

**REMARKS/ARGUMENTS**

Claims 1-21 are pending in the present application. Claims 1, 5, and 12-17 are amended. Claims 18-21 are new. Claims 1 and 21 are independent claims.

The Examiner is respectfully requested to reconsider the outstanding claim rejections in view of the amendments and the following Remarks.

**Rejection Under 35 U.S.C. § 102**

Claims 1, 2, 12, and 17 stand rejected under 35 USC § 102 as being anticipated by U.K. Patent Document GB 2,229,478 issued to Bush et al. (hereinafter Bush) This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As set forth in Section 2131 of the MPEP:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that Bush does not set forth each and every element as defined in independent claim 1.

Synopsis of Bush

Bush discloses a video filming system and method for correcting variances in brightness level of a filmed location, scene, etc., in order to obtain a video image signal for a television show, etc. Bush teaches that an imbalance in brightness may occur in a scene that is lit by a variety of light sources having different color tones, intensities or color temperatures. See page 1, lines 3-12. When this occurs, Bush discloses subjecting the video image signal obtained by filming to data processing to adjust the imbalance without directly adjusting the variety of light sources causing the imbalance. See page 7, line 27 - page 8, line 6.

Specifically, Bush discloses that an operator uses the control panel 7 to select the area of concern (i.e., the area inappropriately lit by the light sources) from the image displayed by display device 5. Also, Bush discloses that the control and computation unit 25 calculates multiplication factors for RGB components in accordance with image adjustments made by the operator using the control panel. The user inputs these adjustments based on the coloring and brightness of the selected area viewed on the display device 5, and/or the measured color temperatures and brightness for the selected area

viewed on measurement display device 6. See Bush at page 8, line 15 - page 9, line 8.

Bush Fails to Teach Every Claimed Feature

As amended, independent claim 1 recites setting image processing conditions using information about the image data within at least one designated principal part and information about the entire image area of the image. Amended claim 1 further recites performing image processing on the image data within the entire image area of the image under the set image processing conditions. Applicant respectfully submits that support for these amendments can be found in the original specification at, e.g., page 27, fourth paragraph - page 28, third paragraph. It is respectfully submitted that Bush fails to disclose these features.

It is clear that the Examiner relies on Bush's teachings regarding the calculation and application of multiplication factors by the control and computation unit 25 to teach the claimed setting of image processing conditions in claim 1. See Office Action at page 3. However, it is respectfully submitted that these teachings do not anticipate the above features.

Specifically, Bush teaches that the operator uses the control panel 7 to select an area of concern in the displayed

image, i.e., an area that is inappropriately lit by the variety of light sources during filming. The multiplication factors set by the control and computation unit 25 are not set using information corresponding to an entire image area of the video image signals -- they are calculated only on the basis of information regarding the selected area. In other words, the multiplication factors are calculated on the basis of coloring and brightness of the selected area, and/or measured color temperatures and brightness of the selected area. Thus, Bush fails to disclose setting image processing conditions according to information about the entire image area, as required by claim 1.

Furthermore, there is no teaching in Bush that these multiplication factors are applied to the image data within the entire image area, as required by claim 1. Instead, Bush teaches that the multiplication factors are applied only to the image data within the selected area of the video image signal.

At least for the reasons set forth above, it is respectfully submitted that independent claim 1 is allowable over Bush. Furthermore, Applicant respectfully submits that claims 2, 12, and 17 are allowable at least by virtue of their dependency on claim 1. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Rejection Under 35 U.S.C. § 103**

Claims 3-5, 7, 9, 13, and 15 stand rejected under 35 USC § 103(a) as being unpatentable over Bush in view of U.S. Patent No. 6,188,432 to Ejima (hereinafter Ejima). It is respectfully submitted that Ejima fails to remedy the deficiencies of Bush set forth above in connection with independent claim 1. Therefore, Applicant respectfully submits that claims 3-5, 7, 9, 13, and 15 are allowable at least by virtue of their dependency on claim 1. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 6 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Bush in view of U.S. Patent No. 4,973,149 to Hutchinson (hereinafter Hutchinson). Applicant respectfully submits that Hutchinson fails to remedy the deficiencies of Bush, as described above with respect to claim 1. Thus, Applicant submits that claims 6 and 11 are allowable at least by virtue of their dependency on claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 8 and 14 stand rejected under 35 USC § 103(a) as being unpatentable over Bush in view of Japanese Patent Document JP 407074943 to Nakamura (hereinafter Nakamura). Applicant

respectfully submits that Nakamura fails to remedy the deficiencies of Bush, as set forth above in connection with independent claim 1. Thus, Applicant respectfully submits that claims 8 and 14 are allowable at least by virtue of their dependency on claim 1. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 10 and 16 stand rejected under 35 USC § 103(a) as being unpatentable over Bush in view of Ejima and Nakamura. Since neither Ejima nor Nakamura remedies the deficiencies of Bush, which are described above in connection with independent claim 1, Applicant submits that claims 10 and 16 are allowable at least by virtue of their dependency on claim 1. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

**Amendments to Claims 12-17**

It is respectfully submitted that the amendments to claims 12-17 do not add any new matter to the present application. It is respectfully submitted that these amendments are supported in the original specification at, e.g., page 26, second paragraph - page 27, first paragraph.

### New Claims

Applicant respectfully submits that the filing of new claims 18-21 does not add any new matter to the present application. Applicant respectfully submits that claims 18-20 are supported in the original specification at, e.g., page 21, fourth paragraph - page 22, first paragraph. Applicant submits that claim 21 is supported at, e.g., originally filed claim 1 and page 32, first paragraph - page 33, third paragraph.

Furthermore, Applicant respectfully submits that new claims 18-20 are allowable at least by virtue of their dependency on an allowable claims (i.e., claim 1). Furthermore, it is respectfully submitted that independent Claim 21 recites a combination of features that are neither taught nor suggested by the cited prior art.

### Conclusion


In view of the above amendments and remarks, it is believed that the pending claims clearly distinguish over the cited prior art. Thus, Applicant respectfully requests the Examiner to reconsider the various outstanding rejections and issue a Notice of Allowance in connection with the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned in order to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Michael R. Cammarata, #39,491

  
MRC/UWR

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000